

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GO ASK ANYONE, INC.,

Plaintiff,

v.

CHRONICLE BOOKS, LLC,
MAURA WALTRIP,
CAMERON MOORE
Defendants.

05-11908RWZ

Civil Action No.

MAGISTRATE JUDGE *Bowles*

RECEIPT # _____
AMOUNT \$ 250
SUMMONS ISSUED Y
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. Tom
DATE 9/20/05

VERIFIED COMPLAINT

This is an action for injunctive relief and monetary damages under the Lanham Act and the laws of the Commonwealth of Massachusetts arising out of defendants Chronicle Books, LLC, Maura Waltrip and Cameron Moore's infringement of trademarks belonging to plaintiff Go Ask Anyone, Inc.

PARTIES

1. Plaintiff Go Ask Anyone, Inc. is a Massachusetts Corporation with a principal place of business in Winthrop, Massachusetts.
2. Defendant Chronicle Books, LLC, is a Delaware limited liability company with a principal place of business at 85 Second Street, Sixth Floor, San Francisco, California, 94105.
3. Defendant Maura Waltrip is an individual who upon information and belief resides at 1533 Spring Creek Drive, Lafayette, Colorado, 80026.
4. Defendant Cameron Moore is an individual who upon information and belief resides at 2290 Topaz Drive, Boulder, Colorado, 80304.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338, as this action arises under the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*

6. This Court has personal jurisdiction over defendants as they have conducted business in Massachusetts by purposefully and successfully soliciting business from Massachusetts residents including but not limited to:

- (a) an interactive website at www.chroniclebooks.com which sells the infringing product, and
- (b) the infringing product is sold in Massachusetts retail stores.

This Court also has personal jurisdiction because defendants have caused tortious injury to Go Ask Anyone, Inc. in Massachusetts as a result of the acts described below.

7. Venue is proper in this Court under 28 U.S.C. § 1391.

FACTUAL ALLEGATIONS

Go Ask Anyone, Inc.

8. Go Ask Anyone, Inc. (“Go Ask Anyone”) is a company that specializes in card games designed to spark fun and interesting conversations between family members and friends.

9. Go Ask Anyone has developed an entire line of card games, including GO ASK YOUR FATHER®, GO ASK YOUR MOTHER®, GO ASK YOUR GRANDPARENT®, GO ASK YOUR TEENAGER®, GO ASK ANYONE®, and GO ASK YOUR GIRLFRIENDS® (collectively, the “GO ASK marks.”)

10. Go Ask Anyone has Federally Registered Trademarks for each mark referenced in paragraph 9; and has spent considerable time, energy and money registering and protecting its marks which were all federally registered with the United States Patent and Trademark Office

(USPTO) in 2004. Attached as EXHIBIT 1 is a true and correct copy of evidence of the trademark registrations for each mark.

11. Go Ask Anyone is in the process of expanding its line of conversation card games with Go Ask Your Teacher, Go Ask Your Friends, Go Ask a Veteran, Go Ask Your Spouse, Go Ask Your Fiancé and Go Ask Your Date games, as well as other related products.

12. Go Ask Anyone named its company and its conversation card games in 2003. The company was started by Maura Cassidy and she remains the sole employee of Go Ask Anyone.

13. Since 2003, Go Ask Anyone has continuously used the GO ASK marks in interstate commerce to identify its conversation card games and to distinguish its games from products made and sold by others.

14. The Go Ask Anyone card games are packaged in colorful boxes, with the appropriate trademark, for example, "GO ASK YOUR FATHER," in a conversation "bubble," with an exclamation point, creating a distinctive and consistent trade dress. Attached as EXHIBIT 2 is a true and correct copy of the packaging of the GO ASK YOU FATHER game.

15. Among other things, Go Ask Anyone displays the GO ASK marks on the products and packaging, as well as on marketing materials, advertising and displays for the products. See EXHIBIT 2. Also see EXHIBIT 3 which is a true and accurate copy of a display set up for the card decks.

16. Go Ask Anyone has also prominently displayed the GO ASK marks throughout its Web site at www.GoAskAnyone.com. This Web Site provides detailed information about its products. Attached as EXHIBIT 4 is a true and accurate sampling of information on the website. See also EXHIBITS 2, 3.

17. As a relatively new company, Go Ask Anyone spends approximately \$25,000.00 a year marketing its products, which is roughly half of its entire operating budget.

18. The GO ASK card games are available in approximately four hundred (400) stores in forty-nine (49) states, Canada, and the Bahamas, as well as online at Amazon.com.

19. Go Ask Anyone has also recently received interest from retailers in Australia, New Zealand and Europe.

20. The GO ASK games have received recognition in the toy and game industry and have generated substantial goodwill within the industry in connection with the GO ASK marks.

21. In 2004, GO ASK YOUR FATHER[®] won the Dr. Toy's award for Best Vacation Children's Product; and GO ASK YOUR FATHER[®], GO ASK YOUR MOTHER[®], GO ASK YOUR TEENAGER[®] and GO ASK YOUR GRANDPARENT[®] have all won Seal of Approval Awards from The National Parenting Center, as well as awards from iParenting Media Center. Attached as EXHIBIT 5 are true and correct printouts from the websites of the entities bestowing the awards.

22. The GO ASK trade dress is distinctive and consistent for the entire line of GO ASK games. It has acquired secondary meaning throughout the industry and with consumers through continuous use in commerce and the recognition the games have received.

23. Consumers have come to associate the GO ASK marks and trade dress with the high quality conversation cards that Go Ask Anyone sells throughout the United States and other locations.

24. In May, 2005 Defendants launched a similar product with a similar name and similar packaging which has caused confusion in the retail and consumer market place.

Chronicle Books, LLC, Maura Waltrip & Cameron Moore/ASK IT

25. Chronicle Books, LLC (“Chronicle”) is a publishing company. Maura Waltrip and Cameron Moore are the individuals who claim to have developed the ASK IT game.

26. In late May 2005, Go Ask Anyone became aware, through an article in the Boulder Daily Camera which was emailed to Go Ask Anyone’s president and founder, Maura Cassidy, that Chronicle was publishing a conversation card game similar to the GO ASK games called ASK IT.

27. The ASK IT game is similar to the GO ASK games in that it is a card game with a series of questions designed to stimulate conversations in varying types of relationships. According to the Chronicle web site, the ASK IT game contains cards with questions designed to “stimulate conversation between children, parents, grandparents, teachers and friends.” The tag line for the ASK IT game, also as seen on the Chronicle Web site, is “50 Fun Questions to Get Families Talking.” Attached as EXHIBIT 6 is a true and correct copy of the website page displaying these representations.

28. Many of the questions in the ASK IT deck are surprisingly similar to those presented in the GO ASK games. For examples of the similarities in questions see the spreadsheet attached as EXHIBIT 7.

29. In addition, the packaging for the ASK IT game is very similar to the GO ASK packaging. The ASK IT packaging is brightly colored, and the ASK IT mark appears on the packaging in a conversation bubble with an exclamation point, like the GO ASK packaging. Attached as EXHIBIT 8 is a true and correct copy of a document illustrating the ASK IT packaging.

30. Consumers are able to purchase the ASK IT game through www.chroniclebooks.com; www.amazon.com and www.target.com as well as retail locations in Massachusetts and other states. See EXHIBITS 6 and 8. Attached as EXHIBIT 9 is a true and accurate copy of a receipt showing that Maura Cassidy purchased the ASK IT deck from a Borders Bookstore at downtown crossing in Boston, Massachusetts. Attached as EXHIBIT 10 is a true and correct copy of the ASK IT deck offered on Target.com.

31. When Go Ask Anyone became aware of Defendants' product, it contacted Defendants, pointed out the similarities between the GO ASK and ASK IT products, names and packaging and requested that Defendants stop marketing the product. Attached as EXHIBIT 11 is a true and correct copy of the June 23, 2005 sent to Defendants.

32. Chronicle Books responded to the letter on July 18, 2005 and proposed that it would re-design the packaging of the deck if Go Ask Anyone would agree to allow Chronicle to sell off its remaining inventory. Attached as EXHIBIT 12 is a true and correct copy of the July 18, 2005 response.

33. Although the letter addressed the trade dress issue with regard to the conversation bubble, it failed completely to address the overall trademark issue and Chronicles' solution would not have curtailed further distribution of the product in interstate commerce.

34. Chronicle represented that 3500 decks had been sold and 6500 decks remained in inventory. Go Ask Anyone did not want the remaining inventory to enter the marketplace.

35. Chronicle and Go Ask Anyone negotiated during July and early August in an attempt to come to a resolution regarding Defendants' infringement.

36. On August 4, 2005, Chronicle Books agreed to forgo

"display or other promotion of its decks at the upcoming trade shows, will agree not to otherwise promote sales of its decks, and will agree not

to solicit any 'deep discount' sales to dump copies. In return, it would like to be able to fill orders that come in without promotion." Attached as EXHIBIT 13 is a true and accurate copy of an e-mail from Chronicle's counsel reflecting the proposal.

37. Go Ask Anyone informed Chronicle Books that it did not want Chronicle selling the remaining inventory under any circumstances. If in addition to ceasing promotion, Chronicle agreed not to sell its remaining inventory, Go Ask Anyone would forgo filing a Complaint and Motion for Preliminary Injunction seeking further damages and remedies.

38. On August 10, 2005, Chronicle Books agreed to cease all sales and promotion of the ASK IT decks. Attached as EXHIBIT 14 is a true and correct copy of an e-mail reflecting that position.

39. Go Ask Anyone was concerned that the Authors would try and sell the remaining inventory. Chronicle Books represented that the contract with Chronicle gave Chronicle control over the Inventory. Attached as EXHIBIT 15 is a true and accurate copy of an E-mail making this representation.

40. Because Go Ask Anyone is a small and relatively new company, it decided to forgo filing the injunction as long as no additional products were being sold into the marketplace.

41. Chronicle maintained that the packaging only and not the name caused confusion and that they may at some point redesign the packaging and re-promote the product.

42. Go Ask Anyone decided not to file a motion for a potential future event.

43. Despite Chronicle's representation that it would no longer promote or sell the ASK IT card game – it has done just that - promote the card game in the original packaging.

44. In early September, 2005, Maura Cassidy received a copy of "O-The Oprah Magazine" which prominently displayed on Page 94, in full color glossy, a promotion of the

original ASK IT deck. See EXHIBIT 16. This is exactly the deck that Chronicle agreed to stop promoting and selling in response to the cease and desist request and subsequent negotiations.

45. Almost immediately, ASK IT sales rose on amazon.com. ASK IT was listed in the 40,000 range prior to The Oprah Magazine promotion and moved to the 3,000 – 4,000 range after the promotion appeared.

46. The promotion in “O – The Oprah Magazine” directs readers to chroniclebooks.com to order copies of the decks.

47. After seeing the promotion in “O” magazine, Maura Cassidy searched the worldwide web to determine if any new promotions of ASK IT had occurred.

48. Maura Cassidy found that the ASK IT decks can now be ordered from Target.com. See EXHIBIT 10. This promotion was not present when Go Ask Anyone began negotiating the cease and desist with Chronicle.

49. Amazon.com is also now prominently displaying the ASK IT deck on its website.

50. Typically, in Cassidy’s experience amazon.com does not retain extensive inventory and only wants to receive inventory approximately two weeks before any product promotion is launched. Therefore, as ASK IT was agreeing not to sell further inventory, they were most likely planning on providing additional product to Amazon.

51. During the cease and desist negotiations, Chronicle represented that the deck had only been sold to one major chain store. However, Cassidy purchased the product at a Borders Bookstore and the product is available at Target.

52. Go Ask Anyone’s GO ASK games and Chronicle’s ASK IT game are both advertised and sold in virtually the same markets.

53. Both are conversation card games that are marketed to the average consumer, making confusion more likely than if the parties were offering expensive products to sophisticated consumers.

54. In fact, Cassidy's sales representative, Michael Penna reported that a customer of a major gift store in Seattle saw the GO ASK decks and commented that she'd seen them in The Oprah Magazine.

55. In addition another customer told Maura Cassidy that she had purchased the GO ASK cards when in fact she had purchased the ASK IT deck.

56. Given the obvious similarities between the GO ASK and ASK IT marks, trade dress and the parties' products, target markets and customers, Defendants' use of the name ASK IT is likely to cause confusion among customers.

57. Defendants should be enjoined from infringing on Go Ask Anyone's mark.

COUNT I
Trademark Infringement
15 U.S.C. § 1125(a)

58. Go Ask Anyone, Inc. restates and incorporates herein by reference the allegations in paragraphs 1 through 57 above.

59. Since 2003, Go Ask Anyone, Inc. has continuously used the GO ASK YOUR FATHER®, GO ASK YOUR MOTHER®, GO ASK YOUR GRANDPARENT®, GO ASK YOUR TEENAGER®, GO ASK ANYONE® and GO ASK YOUR GIRLFRIENDS® marks in interstate commerce in connection with card games which are designed to encourage fun and interesting conversations between family and friends.

60. The GO ASK marks are inherently distinctive and identified with the products that Go Ask Anyone, Inc. offers. The marks symbolize the valuable and extensive goodwill and

consumer recognition that Go Ask Anyone, Inc. has built up over the years; the mark is identified with the high quality, innovative products that Go Ask Anyone, Inc. offers throughout the United States and worldwide.

61. Despite notice of Go Ask Anyone, Inc.'s senior use of the GO ASK marks, Defendants have engaged in unfair competition and infringed upon the GO ASK mark by using and advertising the name ASK IT in interstate commerce in connection with its card games "designed to stimulate conversations between children, parents, grandparents, teachers and friends."

62. Because consumers associate the GO ASK marks with the products produced by Go Ask Anyone, Inc., Defendants' use of the name ASK IT is likely to cause confusion among consumers.

63. Defendants have infringed upon the GO ASK marks, as alleged above, with the intent to deceive the public into believing that goods sold by Defendants are made by, approved by, sponsored by or affiliated with, GO Ask Anyone, Inc. Defendants' acts also were committed with the intent to pass off and palm off Defendants' goods as the goods of Go Ask Anyone, Inc. and with the intent to deceive and defraud the public.

64. As a result of Defendants' actions, Go Ask Anyone, Inc. has suffered damage in an amount to be determined at trial.

COUNT II
False Designation
15 U.S.C. § 1125(c)

65. Go Ask Anyone, Inc. restates and incorporates herein by reference the allegations in paragraphs 1 through 64 above.

66. Defendants have caused their card game to enter into interstate commerce with the ASK IT name and designation. Such use of the ASK IT mark is a false designation of origin that is likely to cause confusion, mistake and deception as to the affiliation, connection or association of Defendants' product with Go Ask Anyone, Inc.'s products and as to the origin, sponsorship or approval of Defendants' card game by Go Ask Anyone, Inc.

67. As a result of Defendants' actions, Go Ask Anyone, Inc. has suffered damage in an amount to be determined at trial.

COUNT III
Trademark Dilution
15 U.S.C. § 1125(c)

68. Go Ask Anyone, Inc. restates and incorporates herein by reference the allegations in paragraphs 1 through 67 above.

69. The ASK IT marks are "famous" marks within the meaning of 15 U.S.C. § 1125(c).

70. Go Ask Anyone, Inc. has used the GO ASK marks in interstate commerce since at least 2003.

71. The GO ASK marks are inherently distinctive and are identified with the products that Go Ask Anyone, Inc. offers. The GO ASK marks symbolize the valuable and extensive goodwill and consumer recognition that Go Ask Anyone, Inc. has built up over the years and is identified with the high quality, innovative products that Go Ask Anyone, Inc. offers throughout the United States and worldwide.

72. Defendants' use of the ASK IT mark is diluting the GO ASK marks by lessening the capacity of the GO ASK marks to identify and distinguish Go Ask Anyone, Inc.'s goods and services, and by tarnishing the GO ASK marks.

73. Defendants' use of the ASK IT mark is without Go Ask Anyone, Inc.'s permission or authority. Defendants' acts also were committed with the intent to dilute and tarnish the GO ASK mark.

74. As a result of Defendants' actions, Go Ask Anyone, Inc. has suffered damage in an amount to be determined at trial.

COUNT IV
Recovery of Profits, Damages, Costs and Attorneys Fees
15 U.S.C. §1117 and §1114

75. Go Ask Anyone, Inc. estates and incorporates herein by reference the allegations in paragraphs 1 through 74 above.

76. The actions of Defendants, as outlined above constitute exceptional circumstances upon which reasonable attorneys fees may be awarded to plaintiff.

77. The actions of Defendants in violating the trade dress and trademark of plaintiffs has been malicious, fraudulent, willful and deliberate and as such merits the award of damages and attorneys fees under this statute.

COUNT V
Violation of M.G.L. c. 110B, §§ 11-13

78. Go Ask Anyone, Inc. restates and incorporates herein by reference the allegations in paragraphs 1 through 77 above.

79. Defendants' use of the ASK IT mark is likely to cause confusion, mistake or to deceive and is diluting the GO ASK marks, as described above.

80. Defendants' use of the ASK IT mark is without Go Ask Anyone, Inc.'s permission or authority. Defendants' acts also were committed with the intent to cause confusion, mistake or deception, and to dilute the GO ASK marks.

81. As a result of Defendants' actions, Go Ask Anyone, Inc. has suffered damage in an amount to be determined at trial.

COUNT VI
Violation of M.G.L. c. 93A, §11

82. Go Ask Anyone, Inc. restates and incorporates herein by reference the allegations in paragraphs 1 through 81.

83. At all relevant times, Go Ask Anyone, Inc. and Defendants were engaged in trade or commerce within Massachusetts.

84. Defendants' acts described above constitute unfair and deceptive acts or practices within the meaning of M.G.L. c. 93A, § 2.

85. Defendants' acts were performed willfully and knowingly.

86. As a result of Defendants' actions, Go Ask Anyone, Inc. has suffered damage in an amount to be determined at trial.

COUNT VII
Violation of Common Law Trademark
Infringement and Unfair Competition

87. Go Ask Anyone, Inc. restates and incorporates herein by reference the allegations in paragraphs 1 through 86.

88. By use of the trademark ASK IT, Defendants have infringed on the trade names and trademarks of Go Ask Anyone, Inc., has passed off and engaged in unfair competition with Go Ask Anyone, Inc.

89. As a result of Defendants' infringement of Go Ask Anyone, Inc.'s trademarks and its unfair competition, Plaintiff has suffered and continues to suffer irreparable harm and monetary damages.

WHEREFORE, Go Ask Anyone, Inc. requests that this Court:

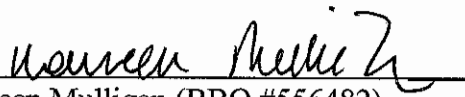
A. Enter a preliminary and permanent injunction ordering Defendants and their respective officers, agents, servants, employees and representatives, subsidiaries, companies, parent companies, and all those in active concert or participation with them, to refrain from using, authorizing or employing the ASK IT mark and any other marks that are confusingly similar to Go Ask Anyone, Inc.'s GO ASK marks. Such injunction should include the following:

1. Enjoin Defendants from selling any remaining inventory of ASK IT card games;
2. ORDER Defendants to destroy the remaining stock of ASK IT card games;
3. ORDER Defendants to notify each retailer to whom it has sold the ASK IT card games to return the games to the publisher; such stock will be destroyed;
4. ORDER Defendants to immediately take the ASK IT product off any websites in their custody or control and cease offering the product for sale;
5. Enjoin all Defendants from using the name ASK IT on any future products;
6. ORDER Defendants to contact amazon.com and target.com and any other companies which are marketing the infringing product on the web and notify such companies that the materials must be removed from the website as well as other advertising materials;
6. ORDER Defendants to produce a list of all entities which have purchased the product so that a copy of the Court Order can be sent to each;
7. ORDER Defendants to cease and desist marketing the ASK IT product including but not limited to ceasing all book tours and other promotional appearances;

B. Enter judgment for go Ask Anyone, Inc. and against Defendants on all counts of the Verified Complaint;

- C. Award Go Ask Anyone, Inc. the full amount of its monetary damages;
- D. Treble such damages as provided by law;
- E. Award Go Ask Anyone, Inc. interest, costs and attorneys' fees; and
- F. Grant such other relief as the Court deems just and appropriate.

The Plaintiff,
GO ASK ANYONE, INC.,
By its attorneys,


Maureen Mulligan (BBO #556482)
Stacey Friends (BBO #647284)
RUBERTO, ISRAEL & WEINER, P.C.
100 North Washington Street
Boston, Massachusetts 02114
(617) 742-4200

Dated: September 20, 2005

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VERIFICATION

I, Maura Cassidy of Go Ask Anyone, Inc., under oath do depose and say that I have read the foregoing allegations and that each and every statement of fact contained therein is true to the best of my knowledge, information, or belief.

Signed under the pains and penalties of perjury this 20 day of September, 2005.


Maura Cassidy

YOUR#	9192-6			PRINTED ON:	6/21/2005
COUNTRY	US	UNITED STATES	P	MARK	ALLOWED
ITU	NO	APP#	78/256,334	GO ASK YOUR FATHER	MAIL DATE
TYPE		REG#	2,830,218		FILE DATE
STATUS	REGISTERED	RGN	NORTH AMERICA		REG DATE
CLIENT	9192	Go Ask Anyone, Inc.	1	CREF	DT1
OWNER	9192	Go Ask Anyone, Inc.	1	OREF	DTCNC
AGENT	US01	Ruberto, Israel & Weiner, P.C.		AREF	ASSIGN
					TXT2

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
CE	N	CONVENTION ENDS	5/30/2003	6M	11/30/2003		11/30/2003	0	6/11/2004	3M	Y	Y	Y
SC	N	STATUS CHECK	5/30/2003	12M	5/30/2004		5/30/2004	0	6/11/2004	0M	Y	Y	Y
AU	N	AFFIDAVIT OF USE	4/6/2004	72M	4/6/2010	16	10/6/2010	0	11/6/2003	12M	Y	Y	Y
AR	N	AFFIDAVIT W/RENEWAL	4/6/2004	120M	4/6/2014	13	7/6/2014	0		6M	Y	Y	Y
RN	N	RENEWAL	4/6/2004	120M	4/6/2014	16	10/6/2014	0		6M	Y	Y	Y

GOODS

028 Equipment sold as a unit for playing a card game

FIRST USE INFO		PRIORITY INFO	
1ST USE DATE	1ST USE IN COMMERCE	COUNTRY	
COMMERCE		FILE DATE	APP#
OWNER OF RECORD		REG DATE	APP#
T00261US00 ENTERED 6/11/2004 MODIFIED 6/11/2004 BY RJM		ATTORNEYS SCF / DKM / RJM	

YOUR#		9192-7		PRINTED ON:		6/21/2005	
COUNTRY	US	UNITED STATES	P	MARK		ALLOWED	
ITU	NO	APP#	78/256,294	GO ASK YOUR MOTHER		MAIL DATE	
TYPE	TRADEMARK	REG#	2,830,217			FILE DATE	5/30/2003
STATUS	REGISTERED	RGN	NORTH AMERICA			REG DATE	4/6/2004
CLIENT	9192	Go Ask Anyone, Inc.	1	CREF		DT1	
OWNER	9192	Go Ask Anyone, Inc.	1	OREF		DTCNC	
AGENT	US01	Ruberto, Israel & Weiner, P.C.		AREF		ASSIGN	
						TXT2	

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
CE	N	CONVENTION ENDS	5/30/2003	6M	11/30/2003		11/30/2003	0	6/11/2004	3M	Y	Y	Y
SC	N	STATUS CHECK	5/30/2003	12M	5/30/2004		5/30/2004	0	6/11/2004	0M	Y	Y	Y
AU	N	AFFIDAVIT OF USE	4/6/2004	72M	4/6/2010	16	10/6/2010	0	11/10/2003	12M	Y	Y	Y
AR	N	AFFIDAVIT W/RENEWAL	4/6/2004	120M	4/6/2014	13	7/6/2014	0		6M	Y	Y	Y
RN	N	RENEWAL	4/6/2004	120M	4/6/2014	16	10/6/2014	0		6M	Y	Y	Y

GOODS

028 Equipment sold as a unit for playing a card game

FIRST USE INFO		PRIORITY INFO	
1ST USE DATE	1ST USE IN COMMERCE	COUNTRY	
COMMERCE		FILE DATE	APP#
OWNER OF RECORD		REG DATE	APP#
T00262US00 ENTERED 6/11/2004 MODIFIED 6/11/2004 BY RJM		ATTORNEYS SCF / DKM / RJM	

YOUR#	9192-5			PRINTED ON:	6/21/2005		
COUNTRY	US	UNITED STATES	P	MARK	ALLOWED		
ITU	NO	APP#	78/285,763	GO ASK YOUR GRANDPARENT	MAIL DATE		
TYPE	TRADEMARK	REG#	2,862,929		FILE DATE		
STATUS	REGISTERED	RGN	NORTH AMERICA		REG DATE		
CLIENT	9192	Go Ask Anyone, Inc.	1	CREF	DT1		
OWNER	9192	Go Ask Anyone, Inc.	1	OREF	DTCNC		
AGENT	US01	Ruberto, Israel & Weiner, P.C.		AREF	ASSIGN		
					TXT2		

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
CE	N	CONVENTION ENDS	8/11/2003	6M	2/11/2004		2/11/2004	0	6/11/2004	3M	Y	Y	Y
SC	N	STATUS CHECK	8/11/2003	12M	8/11/2004		8/11/2004	0	8/4/2004	0M	Y	Y	Y
AU	N	AFFIDAVIT OF USE	7/13/2004	72M	7/13/2010	16	1/13/2011	0		12M	Y	Y	Y
AR	N	AFFIDAVIT W/RENEWAL	7/13/2004	120M	7/13/2014	13	10/13/2014	0		6M	Y	Y	Y
RN	N	RENEWAL	7/13/2004	120M	7/13/2014	16	1/13/2015	0		6M	Y	Y	Y

GOODS

028 Equipment sold as a unit for playing a card game

FIRST USE INFO

1ST USE DATE	10/1/2003	1ST USE IN COMMERCE	10/1/2003
COMMERCE			
OWNER OF RECORD			

PRIORITY INFO

COUNTRY		
FILE DATE		APP#
REG DATE		APP#

T00260US00 ENTERED 6/11/2004 MODIFIED 8/3/2004 BY RJM

ATTORNEYS SCF / DKM / RJM

YOUR#	9192-3			PRINTED ON:	6/21/2005
COUNTRY	US	UNITED STATES	P	MARK	ALLOWED
ITU	NO	APP#	78/285,782	GO ASK ANYONE	MAIL DATE
TYPE	TRADEMARK	REG#	2,862,931		FILE DATE
STATUS	REGISTERED	RGN	NORTH AMERICA		REG DATE
CLIENT	9192	Go Ask Anyone, Inc.	1	CREF	DT1
OWNER	9192	Go Ask Anyone, Inc.	1	OREF	DTCNC
AGENT	US01	Ruberto, Israel & Weiner, P.C.		AREF	ASSIGN
					TXT2

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
CE	N	CONVENTION ENDS	8/11/2003	6M	2/11/2004		2/11/2004	0	6/11/2004	3M	Y	Y	Y
SC	N	STATUS CHECK	8/11/2003	12M	8/11/2004		8/11/2004	0	8/4/2004	0M	Y	Y	Y
AU	N	AFFIDAVIT OF USE	7/13/2004	72M	7/13/2010	16	1/13/2011	0		12M	Y	Y	Y
AR	N	AFFIDAVIT W/RENEWAL	7/13/2004	120M	7/13/2014	13	10/13/2014	0		6M	Y	Y	Y
RN	N	RENEWAL	7/13/2004	120M	7/13/2014	16	1/13/2015	0		6M	Y	Y	Y

GOODS

028 Equipment sold as a unit for playing a card game

FIRST USE INFO				PRIORITY INFO			
1ST USE DATE	10/1/2003	1ST USE IN COMMERCE	10/1/2003	COUNTRY			
COMMERCE				FILE DATE		APP#	
OWNER OF RECORD				REG DATE		APP#	
T00258US00 ENTERED 6/11/2004 MODIFIED 8/3/2004 BY RJM				ATTORNEYS SCF / DKM / RJM			

YOUR#	9192-1			PRINTED ON:	6/21/2005		
COUNTRY	US	UNITED STATES	P	MARK	ALLOWED		
ITU	NO	APP#	78/285,791	GO ASK YOUR GIRLFRIENDS	MAIL DATE		
TYPE	TRADEMARK	REG#	2,866,892		FILE DATE		
STATUS	REGISTERED	RGN	NORTH AMERICA		REG DATE		
CLIENT	9192	Go Ask Anyone, Inc.	1	CREF	DT1		
OWNER	9192	Go Ask Anyone, Inc.	1	OREF	DTCNC		
AGENT	US01	Ruberto, Israel & Weiner, P.C.		AREF	ASSIGN		
					TXT2		

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
CE	N	CONVENTION ENDS	8/11/2003	6M	2/11/2004		2/11/2004	0	6/11/2004	3M	Y	Y	Y
PN	Y	PUBL NOTICE RECEIVED	4/14/2004										
OG	Y	PUBLISHED	5/4/2004										
SC	N	STATUS CHECK	8/11/2003	12M	8/11/2004		8/11/2004	0	8/4/2004	0M	Y	Y	Y
AU	N	AFFIDAVIT OF USE	7/27/2004	72M	7/27/2010	16	1/27/2011	0		12M	Y	Y	Y
AR	N	AFFIDAVIT W/RENEWAL	7/27/2004	120M	7/27/2014	13	10/27/2014	0		6M	Y	Y	Y
RN	N	RENEWAL	7/27/2004	120M	7/27/2014	16	1/27/2015	0		6M	Y	Y	Y

GOODS

028 Equipment sold as a unit for playing a card game

FIRST USE INFO				PRIORITY INFO			
1ST USE DATE	10/1/2003	1ST USE IN COMMERCE	10/1/2003	COUNTRY		APP#	
COMMERCE				FILE DATE		APP#	
OWNER OF RECORD				REG DATE		APP#	
T00256US00 ENTERED 6/11/2004 MODIFIED 8/3/2004 BY RJM				ATTORNEYS SCF / DKM / RJM			

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Go Ask Your Father! (Cards)

by Maura A. Cassidy

★★★★★ (10 customer reviews)

List Price: \$8.95

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Book Description

Go Ask Your Father! cards were created to spark conversations between fathers and kids. Ques



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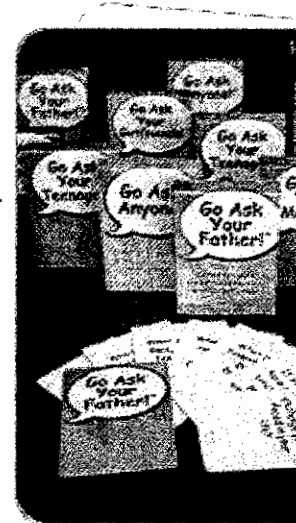
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Our Products!

Ways to Use Go Ask Anyone!® Conversations Cards

The conversation cards can be used many ways....pick a Family Night once a week and choose a new card to get the conversations going.....keep them in your car and pick a card while on a nice drive....take the cards on vacation, no electricity is needed.....write a letter or an email with the question in it for an interesting reply...or start a journal recording the answers!



Benefits of Using Go Ask Anyone!® Conversations Cards

The conversation cards can help in many ways.....promote better parent/child interactions by fun conversations which help to strengthen relationships.....bring back the Art of Conversation generations or the general public.....use as a tool to help younger children's reading skills and skills if they start a journal with the answers...give more introverted people topics to start conversations with!

We are constantly adding new items to our product line. Below is the list of current offerings and next releases!

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Go Ask Your Father!®

Cards to spark great conversations with your Father!

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Go Ask Your Mother!®

Cards to spark great conversations with your Mother!



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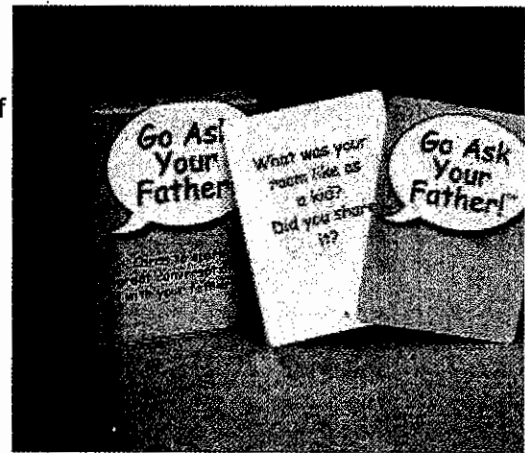
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Media and enjoy the benefits

Go Ask Your Father By Go Ask Anyone, Inc.

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Go Ask Your Father! is a deck of conversation cards used to spark great conversations between fathers and children of any age! Use the cards on vacation, in the car or pick one night a week for a Dad's night to ask a question — 52 cards and 52 weeks a year!



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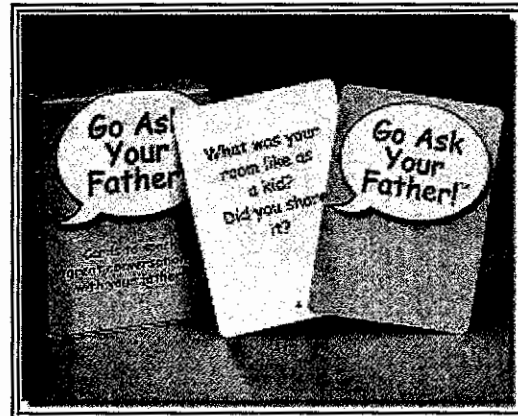
- Card Game
- Novelty

Age Range: 6 - 12

Price: \$7.95

Phone: 617-539-0176

Year Released: 2003



A creative product this series of conversation cards can be used in many different ways. Players can choose a few cards to get conversations going. You can keep the cards in the car, pick one out while driving and stimulate a discussion. Conversation cards can help to develop better parent/child communication and build compassion. Your child can make better sense out of your discussions by talking more. This product will also help your young conversationalist to build literary and writing skills, particularly if they want to start a journal or scrapbook. Sample questions include: "What mistake have you made taught you the most?" There are 52 conversation cards with fun, interesting, and intriguing questions. And there are wild cards to ask any question you want. Also in this series is "Go Ask Your Mother," "Go Ask Your Grandparent", "Go Ask Your Teenager", "Go Ask Your Girlfriend," "Go Ask Anyone", "Go Ask Your Teacher." These cards are non-competitive, interesting, and fun for the whole family.

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Go Ask Your Father! Ask Your Mother! Your Grandparent! Ask Your Teen!

Go Ask Anyone, .

Sometimes conversations need a little help getting started, especially among family members. When the lines of communication have eroded, gotten stale or even disappeared completely these cards can come in handy. Sold individually the concept remains a great ice breaker, or as some testers told us, a great conversation starter (how's that for turnaround from light fun to more in depth questions on values and family related issues. Clearly this is a great bonding vehicle for family members to use and enjoy together.

Price: \$7.95

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Ask It! [ISBN 0811842215] \$12.95 Chronicle Books - Microsoft Internet Explorer

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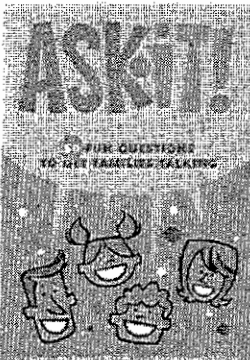
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ASK IT!
50 FUN QUESTIONS TO GET FAMILIES TALKING

Ask It!
50 Fun Questions to Get Families Talking
By Maura Waltrip and Cameron Moore

3-3/8 x 4-3/4 x 1-1/8 in, 50 cards plus a tri-fold intro card, full color throughout, ages 4 and up
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Turn a casual get-together into a lively event with *Ask It!* Each of the 50 cards contains a question created to stimulate conversation between children, parents, grandparents, teachers and friends. Pick a card, ask a question and then listen to the story unfold? from "What has been the most unlikely friendship you've had?" to "What was your best birthday party ever?" With *Ask It!* you can encourage use of imagination and develop creativity.

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Similarity of GO ASK and ASK IT Questions

Go Ask deck		Ask It Deck		Version of GO ASK deck	
1	What was your favorite vacation ever?	1	What's the best trip you've taken with your family?	Father	
2	Who was your best friend when you were my age? Tell me about him/her	2	What friend made you feel the best to be with? Why?	Father	
3	Who was your favorite teacher? Least Favorite?	3	What teacher had the biggest impact on you? How?	Father	
4	What is your favorite holiday? & What is your favorite childhood memory?	4	What is your favorite holiday memory?	Father - two cards	
5	What was your favorite sport or game as a kid?	5	What is the most exciting sports even you've played in?	Father	
6	What major weather storms have you experience in your lifetime?	6	Have you ever been caught in a big storm? What happened? Where were you?	Grandparent	
7	Tell me about getting your driver's license? Who taught you?	7	What was your first experience behind the wheel? (shows picture of grandparent like person)	Grandparent	
8	What vehicle? Or if not, why don't do you drive?	8	Have you ever had any nicknames? Which ones did you like? Which did you dislike?	Father	
9	Did you have a nickname as a kid? If not, did you want one?	9	When have you had to muster up all of your courage in order to do something?	Father	
10	What is the hardest challenge you've faced in your life?	10	What is one of the most embarrassing mistakes you've made?	Father	
11	What is your most embarrassing moment? And other card What mistake did you make that taught you the most?	11	What world event stands out in your memory?	Father	
12	What is the most outstanding moment in history to occur during your lifetime	12	What everyday person has inspired you? How?	Mother	
13	Who was your role model or inspired you?	13	Have you ever wished you could look like someone else? Who?	Father	
14	If you could change one thing about your looks or personality, what would it be?	14	Has there been an event that suddenly or dramatically changed your life?	Mother	
15	Tell me about one defining moment in your life.	15	Do you remember your dreams? Are they in color? Do you have recurring ones?	Anyone	
16	What would, or does, make you feel like the luckiest person in the world?	16	Have you ever had the same dream over and over? What do you think it meant?	Anyone	
17	What is the luckiest thing that has ever happened to you?	17	What is the strangest thing that has ever happened to you?	Father	
			What is the weirdest thing you have ever eaten? Where?	Anyone	
			What is the strangest food you've ever eaten? Did you know what it was before tasting it?	Anyone	

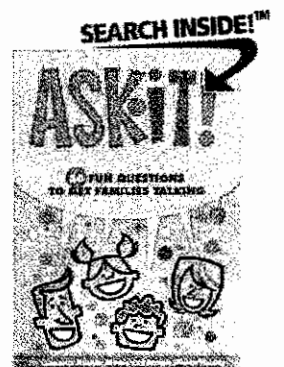
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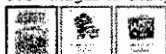
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Editorial Reviews

Book Description

Turn a casual get-together into a lively event with Ask It! Each of the 50 cards contains a question created to stimulate conversation between children, parents, grandparents, teachers and friends. Pick a card, ask a question and then listen to the story unfold—from "What has been the most unlikely friendship you've had?" to "What was your best birthday party ever?" With Ask It! you can:— Encourage use of imagination and develop creativity.— Improve reading skills and build vocabulary.— Enhance listening skills.— Stimulate interesting, engaging conversations.— Build relationships and bring people closer together.— Improve children's ability to communicate thoughts and feelings.

About the Author

Maura Waltrip began her career as a physical therapist working with children and adults and promoting outdoor recreation for the disabled. Cameron Moore received her undergraduate degree in communications and her masters in communication

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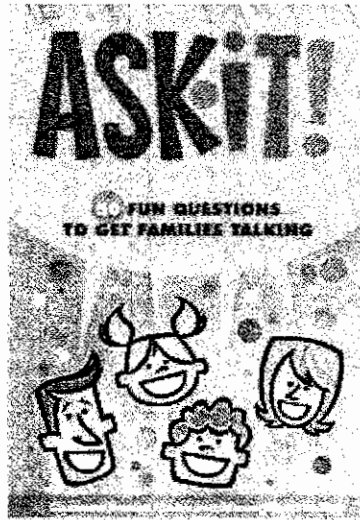
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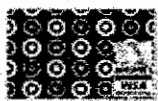
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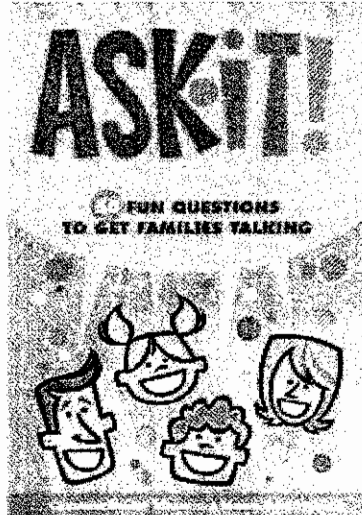
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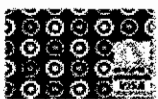
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June 23, 2005

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Chronicle Books
85 Second Street, 6th Floor
San Francisco, CA 94105

Re: **ASK IT By Maura Waltrip and Cameron Moore ISBN 081 1842215
Published March, 2005 by Chronicle Books**

Dear Chronicle Books:

We are counsel to Maura Cassidy and Go Ask Anyone, Inc. Go Ask Anyone, Inc. creates and sells decks of conversation cards aimed at aiding the initiation of conversation on many topics and in many forums. Go Ask Anyone, Inc. currently has registered trademarks for decks of cards titled: (1) Go Ask Your Father; (2) Go Ask Your Mother; (3) Go Ask Your Grandparents; (4) Go Ask Your Teenager; (5) Go Ask Your Girlfriends and (6) Go Ask Anyone. Go Ask Anyone, Inc. also has a number of other "Go Ask" marks in the pipeline for various purposes.

The titles on each of the decks of cards produced by Go Ask Anyone, Inc. appear in a "bubble" on the cover of the packaging of the product.

It has recently come to our attention that Chronicle Books has published a similar product titled "Ask It" which also is a deck of cards designed to stimulate conversation in a variety of situations. In addition, the packaging contains a "bubble" with the name "Ask It" inside which is substantially similar to and in fact almost identical to the product design used by Go Ask Anyone, Inc. The title of the card games and the design of the box are substantially similar and the products have been put into the stream of commerce in the same markets.

Go Ask Anyone, Inc. is concerned about the Chronicle's adoption of a product similar in name and identical in design which can cause confusion among the purchasing public. Go Ask Anyone, Inc. has invested substantial amounts of time, energy and money in promoting its products and in registering its trademarks to protect its rights. Samples of marketing materials for Go Ask Anyone, Inc.'s products are attached as an illustration of the likely confusion. As a

Chronicle Books

June 23, 2005

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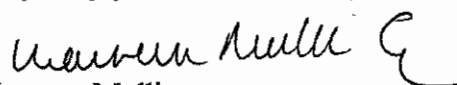
result, we must request that you cease use of the term "Ask It" and the illustrative "bubble" in which the words are encased to describe your product of question cards.

Please contact us to discuss how to ensure that no confusion and thus no further infringement will occur. Such discussions would, of course, be without prejudice to all of Go Ask Anyone Inc.'s rights and remedies in connection with this matter, all of which are hereby expressly reserved.

By sending this letter to Chronicle Books, we ask, in accordance with the representation on your website, that the letter be forwarded to the authors of the infringing materials, Maura Waltrip and Cameron Moore.

I look forward to speaking with you in an effort to resolve this matter.

Very truly yours,


Maureen Mulligan

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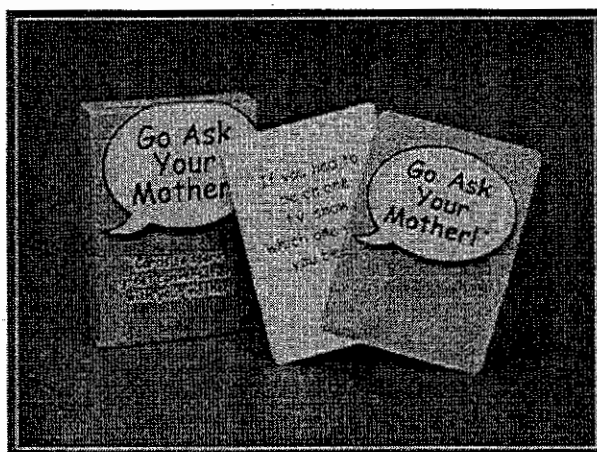
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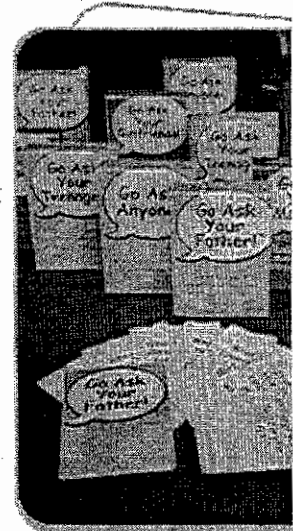
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Our Products!

Ways to Use Go Ask Anyone!® Conversations Cards

The conversation cards can be used many ways....pick a Family Night once a week and choose a new card to get the conversations going....keep them in your car and pick a card while on a nice drive....take the cards on vacation, no electricity is needed....write a letter or an email with the question in it for an interesting reply...or start a journal recording the answers!



Benefits of Using Go Ask Anyone!® Conversations Cards

The conversation cards can help in many ways.....promote better parent/child interactions by fun conversations which help to strengthen relationships.....bring back the Art of Conversation generations or the general public....use as a tool to help younger children's reading skills and skills if they start a journal with the answers...give more introverted people topics to start conversations with!

We are constantly adding new items to our product line. Below is the list of current offerings and next releases!

Available Now



Go Ask Your Father!®

Cards to spark great conversations with your Father!

[Click here to see details](#)

Go Ask Your Mother!®

Cards to spark great conversations with your Mother!



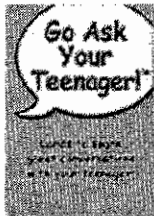
[> Click here to see details](#)



Go Ask Your Grandparent!®

Cards to spark great conversations with your Grandparent!

[> Click here to see details](#)



Go Ask Your Teenager!®

Cards to spark great conversations with your Teenager!

[> Click here to see details](#)



Go Ask Your Girlfriends!®

Cards to spark great conversations on a Girls' Night Out!

[> Click here to see details](#)



Go Ask Anyone!®

Cards to spark great conversations with Anyone you meet or of life!

[> Click here to see details](#)

Coming Soon!

Go Ask Your Teacher!™

Cards to spark great conversations between Teachers and their students!

Go Ask Your Friends!™

Cards to spark great conversations for kids with their friends!

Go Ask A Veteran!™

Cards to spark great conversations with Veterans!
Proceeds to benefit veterans and fallen veterans families.

Go Ask Your Spouse!™ Cards to spark great conversations
your Spouse!

Go Ask Your Fiance!™

Cards to spark great conversations with your Fiance!

Go Ask Your Date!TM

Cards to spark great conversations with Date!

... And Many More!

Sign Up  Sign up for our newsletter to be notified when we have a new version avail


CHRONICLE BOOKS

July 18, 2005

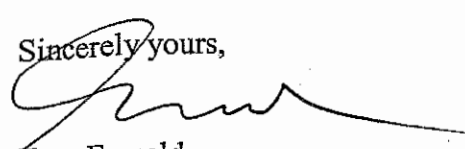
Maureen Mulligan
Ruberto, Israel & Weiner, P.C.
100 North Washington St.
Boston, MA 02114

Dear Ms. Mulligan,

I have reviewed the matter raised in your letter of June 23, 2005, and have discussed it with my colleagues. It is important that we clarify that the use of the bubble on our deck is a simple and unfortunate coincidence of design elements with the Go Ask Anyone products. The authors and our staff have put a lot of effort into the product and design, and we are all very disappointed to discover that the design similarities exist.

While we don't share your concern of a risk of confusion between the Go Ask Anyone cards and our deck, we do recognize that it is in our collective best interests to further distinguish our products from each other. Therefore, we are prepared to agree to change the design elements of the Ask It! deck, such that the bubble illustration is removed entirely from the cover and the interior instruction cards if you will agree that we be afforded the opportunity to sell off our existing inventory by the end of the year.

Sincerely yours,


Tom Fernald
Vice President

Maureen Mulligan

From: Neil Shapiro [nshapiro@sbcglobal.net]
Sent: Thursday, August 04, 2005 7:12 PM
To: Maureen Mulligan
Subject: Card decks

Maureen:

I was in deposition until a little while ago, but have made inquiries of my client and am happy to pass along what I learned.

Chronicle Books did not sell many decks to large chains. One chain ordered fewer than three hundred decks, and as far as I can tell the other chains did not order any. Chronicle is willing to forego display or other promotion of its decks at the upcoming trade shows, will agree not to otherwise promote sales of its decks, and will agree not to solicit any "deep-discount" sales to dump copies. In return, it would like to be able to fill orders that come in, if any, without any promotion.

Let me know what you and your client think.

Neil

Neil L. Shapiro
Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
Telephone: (831) 372-3700
Facsimile: (831) 372-3701
Email: nshapiro@nshapiro.com

9/6/2005

Maureen Mulligan

From: Neil Shapiro [nshapiro@sbcglobal.net]
Sent: Wednesday, August 10, 2005 3:53 PM
To: Maureen Mulligan
Subject: RE: Card decks

This means exactly what it says -- Chronicle Books is ceasing -- and will not resume -- sale and promotion of the decks in their current packaging. I don't know what Chronicle is going to destroy -- perhaps the packaging, perhaps the decks -- or whether it will consider publishing under the "Ask It" name with different packaging. All that is certain is that it is ceasing sales and promotion of what your client claims is infringing, and accordingly there is nothing to enjoin.

Neil L. Shapiro
Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
Telephone: (831) 372-3700
Facsimile: (831) 372-3701
Email: nshapiro@nshapiro.com

From: Maureen Mulligan [mailto:MSM@riw.com]
Sent: Wednesday, August 10, 2005 12:44 PM
To: Neil Shapiro
Subject: RE: Card decks

Does this mean that you would consider acting as a publisher for the authors under the name "Ask It" but different packaging?

Are you going to destroy current inventory?

-----Original Message-----

From: Neil Shapiro [mailto:nshapiro@sbcglobal.net]
Sent: Wednesday, August 10, 2005 3:22 PM
To: Maureen Mulligan
Subject: RE: Card decks

Maureen:

Chronicle Books is ceasing sales and promotion of the "Ask It" decks in their current packaging.

Neil

Neil L. Shapiro
Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
Telephone: (831) 372-3700
Facsimile: (831) 372-3701
Email: nshapiro@nshapiro.com

9/6/2005

From: Maureen Mulligan [mailto:MSM@riw.com]
Sent: Wednesday, August 10, 2005 11:40 AM
To: Neil Shapiro
Subject: RE: Card decks

Neal: I will need to run your proposal by my client - Can you send it to me in writing so I have the complete offer?

-----Original Message-----

From: Neil Shapiro [mailto:nishapiro@sbcglobal.net]
Sent: Tuesday, August 09, 2005 6:59 PM
To: Maureen Mulligan
Subject: RE: Card decks

Maureen:

I have not been able to reach the authors, and I know that you want them included. As soon as I reach them, I will contact you.

Neil

Neil L. Shapiro
Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
Telephone: (831) 372-3700
Facsimile: (831) 372-3701
Email: nishapiro@nshapiro.com

From: Maureen Mulligan [mailto:MSM@riw.com]
Sent: Tuesday, August 09, 2005 3:47 PM
To: Neil Shapiro
Subject: RE: Card decks

Neil: Where are we with this? Maureen

-----Original Message-----

From: Neil Shapiro [mailto:nishapiro@sbcglobal.net]
Sent: Monday, August 08, 2005 7:34 PM
To: Maureen Mulligan
Subject: RE: Card decks

Maureen:

Let me talk to my client and I'll get back to you.

Neil

Neil L. Shapiro
Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
Telephone: (831) 372-3700
Facsimile: (831) 372-3701

Maureen Mulligan

From: Neil Shapiro [nshapiro@sbcglobal.net]
Sent: Thursday, August 11, 2005 3:24 PM
To: Maureen Mulligan
Subject: RE: Card decks

I said that they would not agree never to do so. Presumably, before they can do so they would have to get out of their contract with Chronicle and find another publisher, or convince Chronicle to go forward with the "Ask It" name with different packaging. Neither has occurred, so it seems to me that there is really nothing to enjoin, but that is your call.

Neil L. Shapiro
Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
Telephone: (831) 372-3700
Facsimile: (831) 372-3701
Email: nshapiro@nshapiro.com

From: Maureen Mulligan [mailto:MSM@riw.com]
Sent: Thursday, August 11, 2005 12:17 PM
To: Neil Shapiro
Subject: RE: Card decks

My understanding from your representation is that they intend to use the ASK IT mark on different packaging - We have a difference of opinion as to whether this infringes on the GO ASK MARK

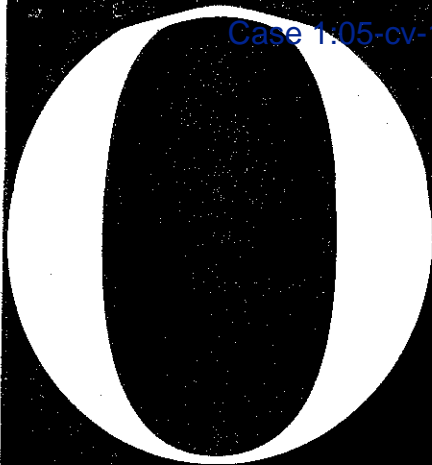
-----Original Message-----

From: Neil Shapiro [mailto:nshapiro@sbcglobal.net]
Sent: Thursday, August 11, 2005 3:14 PM
To: Maureen Mulligan
Subject: RE: Card decks

I'll check and let you know. You plan to seek to enjoin the authors from doing something they are not now doing and have not threatened to do? Interesting.

Neil L. Shapiro
Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
Telephone: (831) 372-3700
Facsimile: (831) 372-3701
Email: nshapiro@nshapiro.com

From: Maureen Mulligan [mailto:MSM@riw.com]
Sent: Thursday, August 11, 2005 12:09 PM
To: Neil Shapiro
Subject: RE: Card decks



THE OPRAH
MAGAZINE

What's next for you?

The best ways to
get unstuck
at work and in love—
first steps, p.228

THE "YES, I CAN!" DIET

EXCLUSIVE

The night John Kennedy's plane didn't arrive...
Carole Radziwill's stunning memoir of love and loss

Let's go shopping

O's mistake-proof, money-smart

"YOU ARE ONE GUTSY WOMAN!"

Oprah is wowed by CNN's **Christiane Amanpour**

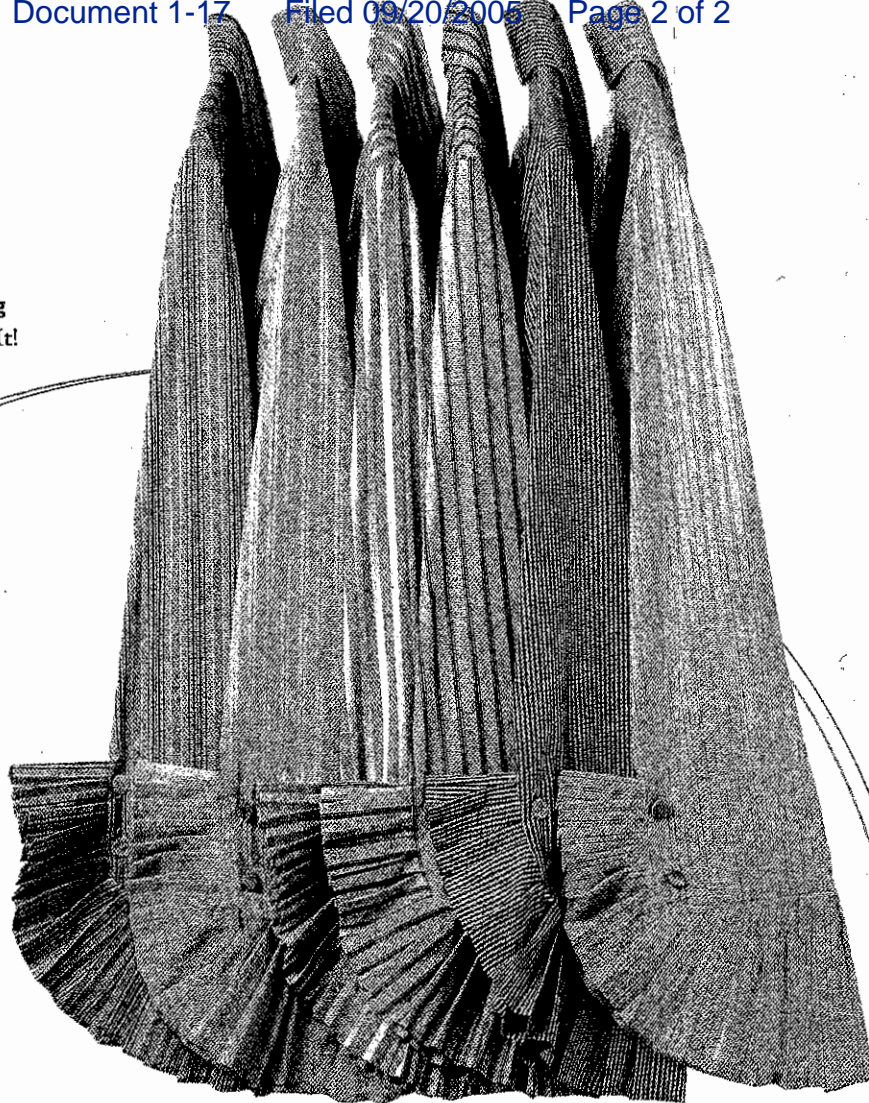
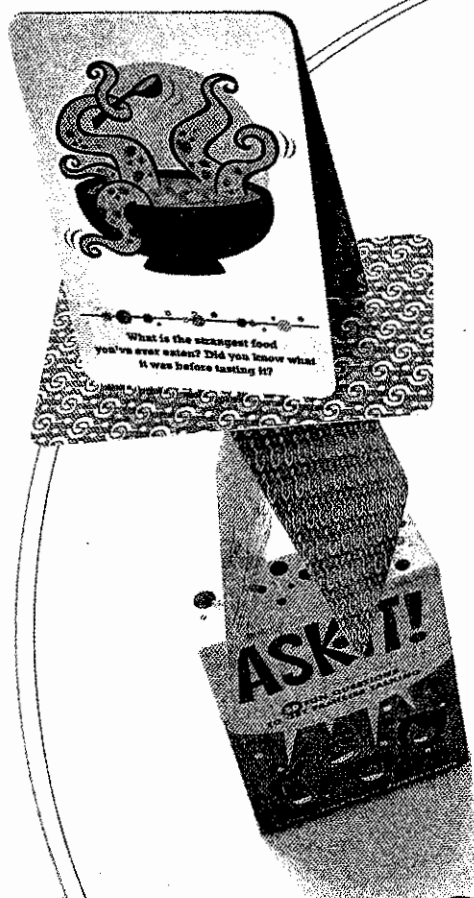


OPRAH.COM

the **O**list

Icebreakers

"So you think you know your family? Pull out this deck of thought-provoking questions some rainy day or on a long car trip, and I promise it'll get the conversational ball rolling into old stories and new insights." (\$13, Ask It! cards, Chronicle Books; 800-722-6657; chroniclebooks.com)

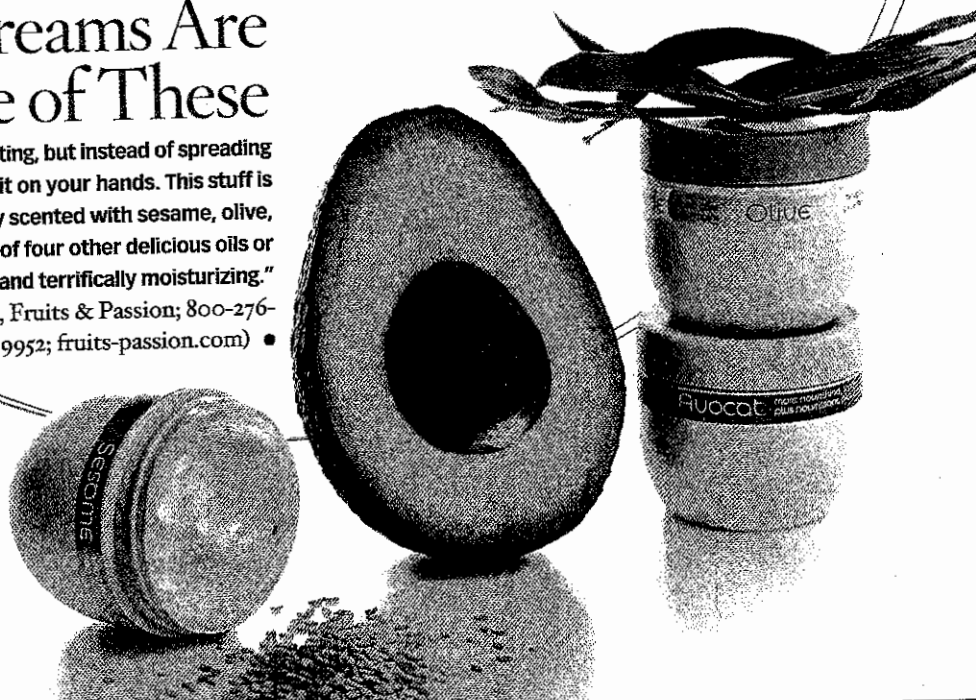


Ruffles Have Ridges

"I'm mad about these tops. The classic man-tailored shirts seem pretty straightforward at first glance, but check out the ultrafeminine sleeve detail." (\$165 each, Bell by Alicia Bell; 800-551-7704)

Sweet Creams Are Made of These

"Imagine a deliciously rich frosting, but instead of spreading it on cake, you slather it on your hands. This stuff is greaseless, beautifully scented with sesame, olive, avocado, or one of four other delicious oils or butters, and terrifically moisturizing." (\$8 each, Fruits & Passion; 800-276-9952; fruits-passion.com) •



JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Go Ask Anyone, Inc.

DEFENDANTS

Chronicle Books, Maura Waltrip,
Cameron Moore(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Suffolk
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Delaware LLC
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Maureen Mulligan, Esquire
Stacey F. Friends, Esquire
Ruberto, Israel & Weiner, P.C.
100 North Washington Street, Boston, MA 02114
(617) 742-4200

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.

15 U.S.C. §1125, 1117, 1114. Trademark and Trade Dress Infringement

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/20/05

Maureen Mulligan

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Go Ask Anyone, Inc. v. Chronicle Books, et al
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LIST ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1))
- ☒ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT
- ☐ II. 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730, 740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950.
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)) _____
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? NO
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? NO
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403) _____
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? NO
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY)? (SEE LOCAL RULE 40.1(C)) YES _____ OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? (SEE LOCAL RULE 40.1(D)) YES _____
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES _____
- (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? _____
9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Eastern
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION _____ OR WESTERN SECTION _____

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Maureen Mulligan, Esquire/Stacey F. Friends, Esquire
Ruberto, Israel & Weiner, P.C.
 ADDRESS 100 North Washington Street
Boston, MA 02114
 TELEPHONE NO. (617) 742-4200

(COVER.SHT-08/90)

APPENDIX C